

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Benjamin Wurtzel	Team: Squad #6	CCRB Case #: 201701719	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Sunday, 03/05/2017 2:00 AM	Location of Incident: 340 Walton Avenue and the 40th Precinct stationhouse	Precinct: 40	18 Mo. SOL 9/5/2018	EO SOL 9/5/2018	
Date/Time CV Reported Sun, 03/05/2017 10:56 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sun, 03/05/2017 10:56 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			Unknown
2. SGT Cesar Gomez	00477	941024	040 PCT
3. POM Majeed Arif	02098	956395	040 PCT
4. POM Sanjay Gidarisingh	09462	956678	040 PCT
5. POM John Manzo	16260	960864	040 PCT
6. POM Oneil Smith	24425	946271	040 PCT
7. POM Christophe Campbell	17980	934569	040 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Andrei Nijnic	06784	961005	040 PCT
2. LT Mohammad Nomani	00000	930841	040 PCT
3. POF Siobhan Maragh	10338	961911	040 PCT
4. POM Joseph Duernberger	18593	958529	040 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Christophe Campbell	Abuse: At 340 Walton Avenue in the Bronx, Police Officer Christopher Campbell threatened § 87(2)(b) with the use of force.	
B.SGT Cesar Gomez	Force: At 340 Walton Avenue in the Bronx, Sergeant Cesar Gomez used physical force against § 87(2)(b)	
C.POM John Manzo	Force: At 340 Walton Avenue in the Bronx, Police Officer John Manzo used physical force against § 87(2)(b)	
D.POM Majeed Arif	Force: At 340 Walton Avenue in the Bronx, Police Officer Majeed Arif used physical force against § 87(2)(b)	
E. Officers	Force: At 340 Walton Avenue in the Bronx, officers used physical force against § 87(2)(b)	
F.POM Sanjay Gidarisingh	Force: At 340 Walton Avenue in the Bronx, Police Officer Sanjay Gidarisingh used physical force against § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
G.POM Oneil Smith	Force: At 340 Walton Avenue in the Bronx, Police Officer O'Neil Smith used physical force against § 87(2)(b)	
H.POM Oneil Smith	Abuse: At 340 Walton Avenue in the Bronx, Police Officer O'Neil Smith threatened § 87(2)(b) with the use of force.	
I.SGT Cesar Gomez	Abuse: At the 40th Precinct stationhouse, Sergeant Cesar Gomez threatened § 87(2)(b) with the use of force.	
J.SGT Cesar Gomez	Force: At the 40th Precinct stationhouse, Sergeant Cesar Gomez used physical force against § 87(2)(b)	
K.SGT Cesar Gomez	Force: At the 40th Precinct stationhouse, Sergeant Cesar Gomez restricted § 87(2)(b)'s breathing.	
L.POM Majeed Arif	Force: At the 40th Precinct stationhouse, Police Officer Majeed Arif used physical force against § 87(2)(b)	

Case Summary

This case exceeded 90 days due to the difficulty in identifying the large number of officers involved. On March 5, 2017, § 87(2)(b) filed this complaint with the CCRB via the Call Processing System.

On March 5, 2017, at approximately 2:00 a.m., § 87(2)(b) was on the coat check line at the Casa Blanca Restaurant and Lounge at 340 Walton Avenue in the Bronx with his cousin, § 87(2)(b). § 87(2)(b) stated that he had consumed a single shot of liquor several hours earlier and was not drunk. At this time, Police Officer Christopher Campbell of the 40th Precinct walked up the staircase and pushed past § 87(2)(b). § 87(2)(b) objected to being pushed and Police Officer Campbell allegedly challenged § 87(2)(b) to fight him (**Allegation A**). § 87(2)(b) was ordered to leave the building and he walked outside. As § 87(2)(b) stepped outside, Sergeant Cesar Gomez of the 40th Precinct punched § 87(2)(b) one time on the right side of his face (**Allegation B**).

Police Officers John Manzo and Majeed Arif of the 40th Precinct immediately brought § 87(2)(b) to the ground, causing his face to make contact with the pavement (**Allegations C and D**). Police Officer Sanjay Gidarsingh of the 40th Precinct placed § 87(2)(b) in handcuffs and numerous officers punched and kicked § 87(2)(b) on his face and upper body while he was on the ground and restrained (**Allegation E**). At this time, Police Officer Gidarsingh lifted § 87(2)(b) off of the ground and allegedly swung his head into a parked vehicle by his ponytail (**Allegation F**).

§ 87(2)(b) attempted to approach § 87(2)(b) at this time and was confronted by Police Officer O'Neil Smith of the 40th Precinct. Police Officer Smith pushed § 87(2)(b) in the chest with two hands (**Allegation G**). § 87(2)(b) responded by pushing Police Officer Smith in the chest. Police Officer Smith removed his asp from his belt and extended it. Police Officer Smith said, "Test me. I dare you," (**Allegation H**).

After arriving at the 40th Precinct stationhouse, § 87(2)(b) was escorted him into a bathroom on the first floor by Police Officers Arif and Gidarsingh where approximately fifteen officers were standing. Police Officer Gidarsingh removed § 87(2)(b)'s handcuffs and Sergeant Gomez entered the bathroom. Sergeant Gomez allegedly challenged § 87(2)(b) to fight him and § 87(2)(b) refused (**Allegation I**).

Sergeant Gomez allegedly moved towards § 87(2)(b) in a quick manner, pushed him against a wall, pulled him by his legs towards the floor, struck his head against the ground, and punched him multiple times (**Allegation J**). Sergeant Gomez then allegedly placed his knee of § 87(2)(b) on § 87(2)(b)'s neck, restricting his breathing, and told him that he would not remove his knee until § 87(2)(b) stated that he respected Sergeant Gomez (**Allegation K**). § 87(2)(b) told Sergeant Gomez that he respected him and § 87(2)(b) was permitted to stand and was escorted to a cell area.

§ 87(2)(b) was later removed from the cell area by Police Officer Arif who allegedly slapped § 87(2)(b) in the face, punched him in the face multiple times, and pulled him to the ground.

where he kicked him multiple times (**Allegation L**). Police Officer Gidarsingh issued § 87(2)(b) a summons and § 87(2)(b) was permitted to leave the stationhouse.

No video was obtained for this case. On March 20, 2017, the Field Team conducted fieldwork at the club and found it to be closed down. A field team investigator called a promoter who confirmed that the club was closed and stated that he did not know any former owners (**Board Review 23**). Several letters to the club address and phone calls to the listed number were not returned.

Mediation, Civil and Criminal Histories

This case was not suitable for mediation due to § 87(2)(b)'s personal injuries and arrest. A request for Notice of Claim confirmation has been sent to the New York City Comptroller's Office. The results will be added to the case file upon receipt. § 87(2)(b) and § 87(2)(b) do not have criminal histories (**Board Review 01**).

Civilian and Officer CCRB Histories

- This is the first CCRB complaint involving § 87(2)(b) or § 87(2)(b) (**Board Review 02**).
- Sergeant Gomez has been a member of the NYPD for 11 years and has had 14 CCRB allegations within five complaints filed against him with one substantiated allegation.
 - In CCRB case number 200807471, Sergeant Gomez conducted an improper stop and received instructions.
- Police Officer Arif has been a member of the NYPD for three years and has had no previous CCRB allegations filed against him.
- Police Officer Gidarsingh has been a member of the NYPD for three years and has had no previous CCRB allegations filed against him.
- Police Officer Manzo has been a member of the NYPD for one year and has had no previous CCRB allegations filed against him.
- Police Officer Smith has been a member of the NYPD for nine years and has had no previous CCRB allegations filed against him.
- Police Officer Christopher Campbell has been a member of the NYPD for 13 years and has had 10 CCRB allegations within five cases filed against him.

Findings and Recommendations

Allegations not pleaded

Force: § 87(2)(b) alleged that Police Officer Campbell pushed § 87(2)(b) while they were standing on the staircase. § 87(2)(b) denied that this occurred. § 87(2)(g)

Force: § 87(2)(b) alleged that Police Officer Campbell grabbed § 87(2)(b) by his shirt and pushed him backward. § 87(2)(b) alleged that Police Officer Campbell pushed him with his body while walking down a staircase. § 87(2)(g)

Allegation A – Abuse of Authority: At 340 Walton Avenue in the Bronx, Police Officer Christopher Campbell threatened § 87(2)(b) with the use of force.

On March 5, 2017, § 87(2)(b) filed this complaint with the CCRB via the Call Processing System. On March 6, 2017, § 87(2)(b) filled out a Civilian Complaint Form at the 40th Precinct stationhouse (**Board Review 22**). On March 16, 2017, § 87(2)(b) provided a telephone statement to the CCRB (**Board Review 03**). On March 27, 2017, § 87(2)(b) was interviewed at the CCRB. On April 4, 2017 (**Board Review 04**), § 87(2)(b) provided a telephone statement to the CCRB (**Board Review 05**). On April 25, 2017, § 87(2)(b) was interviewed at the CCRB (**Board Review 06**). On April 26, 2017, § 87(2)(b) provided a telephone statement to the CCRB (**Board Review 07**). On May 8, 2017, § 87(2)(b) provided a telephone statement to the CCRB (**Board Review 08**).

§ 87(2)(b) stated that he was standing on a line of approximately sixty people on a staircase inside the Casa Blanca Club when Police Officer Campbell pushed past him with his body while walking up the stairs. § 87(2)(b) had consumed a single shot of liquor several hours before and was not intoxicated and had not previously been engaged in any verbal altercation with another patron. § 87(2)(b) was upset and stated that § 87(2)(b) needed to restrain him at this time and tell him not to react. § 87(2)(b) asked Police Officer Campbell why he pushed him and Police Officer Campbell replied by challenging § 87(2)(b) to fight him at the top of the staircase. § 87(2)(b) did not respond to Police Officer Campbell's comment. § 87(2)(b)'s account of this incident was consistent with § 87(2)(b)'s. § 87(2)(b) noted that Police Officer Campbell grabbed ahold of § 87(2)(b) by the fabric of his shirt over his shoulders with two hands pushed him up the stairs.

On May 26, 2017, Sergeant Gomez was interviewed at the CCRB (**Board Review 09**). On May 26, 2017, Police Officer Arif was interviewed at the CCRB (**Board Review 10**). On June 5, 2017, Police Officer Gidarsingh was interviewed at the CCRB (**Board Review 11**). On June 5, 2017, Police Officer Andrei Nijnic of the 40th Precinct was interviewed at the CCRB (**Board Review 12**). On June 12, 2017, Police Officer Manzo was interviewed at the CCRB (**Board Review 13**). On June 12, 2017, Police Officer Smith was interviewed at the CCRB (**Board Review 14**). On July 3, 2017, Police Officer Joseph Duernberger of the 40th Precinct was interviewed at the CCRB (**Board Review 15**). On July 3, 2017, Police Officer Siobhan Maragh was interviewed at the CCRB (**Board Review 16**). On July 6, 2017, Police Officer Campbell was interviewed at the CCRB (**Board Review 17**). On July 12, 2017, Lieutenant Mohammad Nomani of the 40th Precinct was interviewed at the CCRB (**Board Review 18**).

Police Officer Campbell confirmed that he was attempting to move civilians out of the building and was standing on the staircase, communicating with club patrons. Police Officer Campbell stated that there was a large crowd of teenagers and young adults on the staircase making it difficult to move. Many of the individuals in the crowd were agitated and calling out the names of gangs and crews to which they were presumably associated. Police Officer Campbell moved up

the staircase and observed § 87(2)(b) as he identified himself as § 87(2)(b)

Police Officer Campbell observed § 87(2)(b) telling § 87(2)(b) to calm down as he approached the two men. Police Officer Campbell told § 87(2)(b) to calm down and § 87(2)(b) replied, "I'm going to duff you out," which Police Officer Campbell interpreted as a threat to punch him in the face. Police Officer Campbell replied, "OK. If that's what you want to do. I'm right here." Police Officer Campbell explained that this was an invitation to § 87(2)(b) to strike him if he was serious about his threat. Police Officer Campbell did not make any other comments to § 87(2)(b) and did not have any physical contact with him during this time. Lieutenant Nomani came up the stairs shortly after and escorted § 87(2)(b) out of the building.

Lieutenant Nomani stated that he entered the building and observed § 87(2)(b) having a verbal confrontation on the stairwell with Police Officer Campbell. Lieutenant Nomani could not hear what was being said because there was a large crowd on the stairwell making a lot of noise. Lieutenant Nomani did not observe any physical contact between § 87(2)(b) and Police Officer Campbell and used hand signals to instruct Police Officer Campbell to escort § 87(2)(b) out of the building. Police Officer Campbell placed a hand on § 87(2)(b)'s back and moved him down the stairs and outside.

Sergeant Gomez observed Lieutenant Nomani standing with numerous officers at the top of the stairs and heard § 87(2)(b) say that he was a gang member and challenge the officers to fight him. These officers did not physically or verbally interact to § 87(2)(b) or otherwise acknowledge him. Sergeant Gomez escorted § 87(2)(b) out of the club by placing a hand on his back and moving him towards the door.

§ 87(2)(g)

Allegation B – Force: At 340 Walton Avenue in the Bronx, Sergeant Cesar Gomez used physical force against § 87(2)(b)

Allegation C – Force: At 340 Walton Avenue in the Bronx, Police Officer John Manzo used physical force against § 87(2)(b)

Allegation D – Force: At 340 Walton Avenue in the Bronx, Police Officer Majeed Arif used physical force against § 87(2)(b)

§ 87(2)(b) stated that he exited the club after officers asked him to do so. While he was walking out of the club, Sergeant Gomez approached § 87(2)(b) and punched him one time on the right side of his face. § 87(2)(b) had been turning his head to speak to § 87(2)(b) at the time that he was punched. § 87(2)(b) was complying with officers' instructions to leave the building at this time. Immediately after being punched, § 87(2)(b) was forcibly brought to the ground by Police Officers Manzo and Arif, resulting in pain and discomfort prior to him being placed in handcuffs by Police Officer Gidarsingh.

§ 87(2)(b) confirmed this account of the incident but stated that § 87(2)(b) was punched on the left side of his face. § 87(2)(b) went outside but § 87(2)(b) was already being detained on the ground at this time. § 87(2)(b) could not see what the officers were doing to § 87(2)(b) because there were too many officers obstructing his view.

Sergeant Gomez confirmed that he punched § 87(2)(b) one time in the face but did not know which side of § 87(2)(b)'s face he punched. Sergeant Gomez stated that he was escorting § 87(2)(b) out the club with one hand on § 87(2)(b)'s shoulder and another on § 87(2)(b)'s waist when § 87(2)(b) swung his right elbow backwards making contact with Sergeant Gomez's right arm. § 87(2)(b) then turned around to face Sergeant Gomez and attempted to punch him with his right fist. This punch did not connect and Sergeant Gomez immediately punched § 87(2)(b). § 87(2)(b) stumbled backwards and was immediately detained by Police Officers Manzo and Arif.

Sergeant Gomez did not know if any officer issued instructions to § 87(2)(b) prior to bringing him to the ground. Sergeant Gomez stated that the officers did not have any difficulty placing § 87(2)(b) on the ground and did not see any officer punch or kick § 87(2)(b) during this time. Sergeant Gomez did not have any further physical interaction with § 87(2)(b).

Police Officer Arif corroborated this account but could not say where on § 87(2)(b)'s body Sergeant Gomez's punch made contact. Police Officer Arif further stated that he immediately moved to bring § 87(2)(b) to the ground after observing the attempted punch. Police Officer Arif was assisted by Police Officer Gidarsingh and Police Officer Manzo. Police Officer Arif and his fellow officer grabbed ahold of § 87(2)(b)'s upper body and tripped him over an extended leg, causing him to fall to the ground on his side.

Police Officer Gidarsingh observed § 87(2)(b) attempt to punch Sergeant Gomez but did not see Sergeant Gomez punch § 87(2)(b). Police Officer Gidarsingh denied that he participated in bringing § 87(2)(b) to the ground. Police Officer Gidarsingh confirmed that Police Officer Manzo and Police Officer Arif grabbed ahold of § 87(2)(b)'s arms immediately after § 87(2)(b) attempted to punch Sergeant Gomez. Police Officers Arif and Manzo fell to the ground with § 87(2)(b) and Police Officer Gidarsingh placed § 87(2)(b) in handcuffs when the other two officers placed § 87(2)(b)'s hands behind his back.

Police Officer Manzo's statement was consistent with Police Officer Gidarsingh's. Police Officer Nijnic also confirmed that he observed § 87(2)(b) attempt to punch Sergeant Gomez but did not see Sergeant Gomez punch § 87(2)(b). Police Officer Nijnic could not provide any details of § 87(2)(b)'s detainment after he attempted to punch Sergeant Gomez because too many officers were standing between him and where § 87(2)(b) was being detained.

According to Patrol Guide Procedure 221-02, a member of service may use force in order to gain compliance, control, or custody of an uncooperative subject.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation E – Force: At 340 Walton Avenue in the Bronx, officers used physical force against § 87(2)(b)

§ 87(2)(b) alleged that after being brought to the ground and placed in handcuffs, approximately 30 officers assaulted him as he was lying on the ground. § 87(2)(b) stated these officers punched him ten times and kicked him 25 times. This occurred over the course of one minute and § 87(2)(b) was unable to describe any of the officers who performed these actions. § 87(2)(b) stated that he was laughing during this time and making derisive comments towards the officers. § 87(2)(b) stated that approximately 10 officers approached § 87(2)(b) after he was brought to the ground but could not account for any specific actions that were being taken at this time.

§ 87(2)(b) stated that these actions resulted in bruising to his face a blood clot in his left eye. § 87(2)(b) provided photographs of these injuries to the CCRB which were taken on March 6, 2017, by his mother (**Board Review 21**). § 87(2)(b) sought medical attention at § 87(2)(b) when he was released from the 40th Precinct stationhouse on March 5, 2017. The medical records note that § 87(2)(b) claimed to have been assaulted by numerous officers and was experiencing back and neck pain. Bruising was observed on § 87(2)(b)'s face and he was provided with informational material about blood clots (**Privileged Documents 01**).

Police Officers Arif and Manzo identified themselves as the officers who forcibly brought § 87(2)(b) to the ground after he attempted to punch Sergeant Gomez. These officers denied punching or kicking § 87(2)(b) while he was on the ground. Police Officer Gidarsingh identified himself as the officer who placed § 87(2)(b) in handcuffs and denied seeing any officer punch or kick § 87(2)(b) while he was on the ground.

Using the Resource Recap Log, the investigation determined that approximately 18 officers responded to this incident (**Board Review 19**). Based on civilian and officer interviews, the investigation has further determined that these officers were dispersed between the interior and exterior areas of the Casa Blanca Club. Given this information, it is highly unlikely that § 87(2)(b) was assaulted by 30 officers. Furthermore, after having interviewed ten police officers involved in the incident, the investigation could not identify any officers in addition to Police Officers Arif, Manzo, and Gidarsingh who participated in § 87(2)(b)'s forcible takedown and detainment.

§ 87(2)(g)

§ 87(2)(g)

Allegation F – Force: At 340 Walton Avenue in the Bronx, Police Officer Sanjay Gidarsingh used physical force against § 87(2)(b)

§ 87(2)(b) alleged that Police Officer Gidarsingh grabbed ahold of his ponytail and pulled his head upwards by his hair, swinging his face into the side view mirror of a vehicle parked at the curb in the process. § 87(2)(b) was immediately placed in a police vehicle and transported back to the stationhouse by Police Officers Arif and Gidarsingh. § 87(2)(b) stated that he could not see what was happening to § 87(2)(b) at this time but heard a sound he described as a “thump.”

Police Officer Gidarsingh stated that he lifted § 87(2)(b) to his feet by grabbing him under his arms with the assistance of Police Officers Manzo and Arif. § 87(2)(b) was then walked to a police vehicle. Police Officer Gidarsingh denied pulling § 87(2)(b)'s hair and swinging his head into a vehicle and denied seeing any other officer do so. Police Officers Manzo and Arif provided consistent statements and denied seeing any officer swing § 87(2)(b)'s head into a vehicle.

§ 87(2)(g)

§ 87(2)(g)

Allegation G – Force: At 340 Walton Avenue in the Bronx, Police Officer O'Neil Smith used physical force against § 87(2)(b)

Allegation H – Abuse of Authority: At 340 Walton Avenue in the Bronx, Police Officer O'Neil Smith threatened § 87(2)(b) with the use of force.

§ 87(2)(b) stated that he observed Sergeant Gomez punch § 87(2)(b) and observed officers bring § 87(2)(b) to the ground. § 87(2)(b) could not see what officers were doing to § 87(2)(b) at this time and attempted to get a better look by moving closer. § 87(2)(b) stepped into the street and was confronted by Police Officer Smith who pushed him in the chest with two hands. § 87(2)(b) immediately pushed Police Officer Smith in the chest with two hands. Police Officer Smith then removed his asp from his utility belt, extended it, and said, “Test me. I dare you.” § 87(2)(b) stepped away from Police Officer Smith at this time.

Police Officer Smith stated that he was standing immediately outside of the club entrance and was trying to prevent civilians outside from regaining entry to the club. At this time, § 87(2)(b)

approached Police Officer Smith and appeared to be attempting to enter the club. § 87(2)(b) did not speak to Police Officer Smith and there was no verbal or physical contact between the two of them. Police Officer Smith immediately removed his asp and held it in his and § 87(2)(b) immediately turned around. The interaction lasted approximately two seconds. Police Officer Smith was inconsistent in his account regarding whether he issued any verbal warning to § 87(2)(b). Police Officer Smith could not recall what § 87(2)(b) was saying during this time or if he expressed a desire to enter the club. Police Officer Smith denied saying, “Test me. I dare you.”

Police Officer Manzo observed § 87(2)(b) approach Police Officer Smith but was not close enough to hear any conversation between the two. § 87(2)(b) was walking towards the location where officers were detaining § 87(2)(b) and Police Officer Smith confronted him and removed his asp. § 87(2)(b) appeared irate as he stood in front of Police Officer Smith and continued to walk forward after the asp had been removed. Police Officer Smith pushed § 87(2)(b) one time before § 87(2)(b) turned and walked away. Police Officer Duernberger observed Police Officer Smith holding his asp but did not know why he removed his asp and did not see any member of the crowd confront him.

According to Patrol Guide Procedure 221-02, a member of service may use force in order to gain compliance, control, or custody of an uncooperative subject (**Board Review 20**).

§ 87(2)(g)

§ 87(2)(g)

Allegation I – Force: At the 40th Precinct stationhouse, Sergeant Cesar Gomez threatened § 87(2)(b) with the use of force.

Allegation J – Force: At the 40th Precinct stationhouse, Sergeant Cesar Gomez used physical force against § 87(2)(b)

Allegation K – Force: At the 40th Precinct stationhouse, Sergeant Cesar Gomez restricted § 87(2)(b) s breathing.

§ 87(2)(b) alleged that Police Officers Arif and Gidarsingh escorted him to a bathroom on the first floor of the 40th Precinct stationhouse where 15 officers were gathered. Sergeant Gomez was among the assembled officers and challenged § 87(2)(b) to fight him. § 87(2)(b) refused to do so. Police Officer Arif removed § 87(2)(b)'s handcuffs and Sergeant Gomez moved towards § 87(2)(b) in a quick manner, pushed § 87(2)(b)'s back against a wall, and then brought him to the ground on his back. Sergeant Gomez then pushed § 87(2)(b)'s head against the floor numerous times before punching him ten times in his head. Sergeant Gomez proceeded to place his knee on § 87(2)(b)'s throat for 25 seconds, resulting in difficulty breathing. § 87(2)(b) was not speaking at this time but would have been able to. Sergeant Gomez stood up and § 87(2)(b) stood up on his own volition. Police Officer Arif then escorted § 87(2)(b) to the holding pen area.

§ 87(2)(b)'s medical records indicate that he arrived at § 87(2)(b) on the day of the incident complaining that numerous officers had assaulted him. § 87(2)(b) stated that he was experiencing pain in his back and neck and was given ibuprofen and released. § 87(2)(b) returned to the hospital two days later stating that the pain had worsened. Hospital staff noted bruising on § 87(2)(b)'s face but no significant injuries and released him with ibuprofen **(Privileged Document 01)**.

All officers interviewed for this investigation in regards to these allegations denied that the first floor bathroom at the stationhouse could accommodate 15 police officers. The officers stated that the bathroom is slightly smaller than the average CCRB interview room which is approximately 7 feet by 6 feet. All of the officers interviewed for this investigation were shown photographs of bruising to § 87(2)(b)'s face and a blood clot in his left eye **(Board Review 21)**. The officers could not account for how these injuries were sustained.

Sergeant Gomez confirmed that he encountered § 87(2)(b) in the bathroom of the stationhouse upon returning to that location. § 87(2)(b) was being searched by Police Officers Arif and Gidarsingh. Sergeant Gomez observed some redness on § 87(2)(b)'s face which he had not previously observed. Sergeant Gomez did not observe any other injuries on him at this time. Sergeant Gomez did challenge § 87(2)(b) to fight him and did not strike him in any way. Sergeant Gomez did not personally interact with § 87(2)(b) while at the stationhouse. Sergeant Gomez instructed Police Officer Arif to issue a summons for disorderly conduct to § 87(2)(b) and did not see him again.

Police Officer Gidarsingh and Police Officer Arif both denied that they transported § 87(2)(b) to the stationhouse but stated that they encountered him in front of the desk and performed his arrest processing.

Police Officer Gidarsingh denied that § 87(2)(b) was ever brought into a bathroom and was not aware of § 87(2)(b) ever being struck or brought to the ground while in the stationhouse. Police Officer Gidarsingh searched § 87(2)(b) in front of the desk before bringing him into the cell area.

Police Officer Arif stated that he alone conducted a search of § 87(2)(b)'s person in the bathroom of the stationhouse and that no other officer entered the bathroom during this time.

Police Officer Arif was not aware of any officer challenging § 87(2)(b) to a fight or striking him in any way during this time. § 87(2)(b) was released from the stationhouse shortly after with a summons for § 87(2)(b).

§ 87(2)(g)

Allegation L – Force: At the 40th Precinct stationhouse, Police Officer Majeed Arif used physical force against § 87(2)(b)

§ 87(2)(b) alleged that Police Officer Arif entered his holding cell and slapped him one time on the right side of his face with his right hand while he was sitting on a bench. Police Officer Arif then punched § 87(2)(b) on both sides of his face multiple times and pulled him to the floor from his sitting position on the bench. Police Officer Arif then kicked § 87(2)(b) numerous times.

§ 87(2)(b) and § 87(2)(b) were being lodged in the prisoner holding pens at the time that § 87(2)(b) was being escorted in the cell by Police Officer Arif.

§ 87(2)(b) stated that he was in and out of sleep while in the cell area but heard a verbal altercation between officers and § 87(2)(b) could not see the individuals involved in the argument. § 87(2)(b) heard multiple officers telling a civilian to “calm down” and heard a civilian cursing. § 87(2)(b) did not hear any sounds that would have been consistent with a physical struggle. § 87(2)(b) stated that he was aware of § 87(2)(b) being in the cell area and stated that § 87(2)(b) appeared to be under the influence of drugs. § 87(2)(b) stated that he heard a “tussle” that lasted three to five minutes and was physical in nature but could provide no descriptions of the officers or civilians involved. § 87(2)(b) observed as multiple officers “dragged” a man past his cell. § 87(2)(b) could provide no further details.

Police Officer Arif identified himself as the officer who placed § 87(2)(b) in a holding pen. Police Officer Arif did not observe any apparent injuries to § 87(2)(b) at this time. Police Officer Arif stated that Sergeant Gomez instructed him to release § 87(2)(b) with a disorderly conduct summons and Police Officer Arif did so. § 87(2)(b) then left the stationhouse without incident. Police Officer Gidarsingh corroborated this account of the incident but identified himself as the officer who escorted § 87(2)(b) to the holding pen and released him. Sergeant Gomez confirmed that he instructed an officer to issue a disorderly conduct summons to § 87(2)(b) and was not aware of any physical altercation occurring in the cell area.

As stated above, § 87(2)(b)'s medical records indicate that he appeared at § 87(2)(b) complaining of pain immediately after the incident but no bruising was noted on his body.

No officer interviewed in regards to this case noted any kind of physical altercation occurring within the confines of the stationhouse between § 87(2)(b) and officers. § 87(2)(b)'s statement

indicates that any disagreement between § 87(2)(b) and officers within the stationhouse was strictly verbal in nature. While § 87(2)(b) stated that a physical altercation occurred, he could provide no details regarding the severity of this interaction.

Police Officers Arif and Gidarsingh, and Sergeant Gomez provided a consistent account of an uneventful detainment of § 87(2)(b). These statements are incongruent with § 87(2)(b)'s and § 87(2)(b)'s description of an irate § 87(2)(b). § 87(2)(b) described an excessive degree of force which included punching, kicking, and pulling him off of a bench to the ground. While the other civilians detained in the holding cells confirmed that there was conflict, their statements did not suggest that the degree of force described above occurred.

§ 87(2)(g)

Squad: 6

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date